

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6796**

**BILL NUMBER:** SB 218

**NOTE PREPARED:** Feb 21, 2005

**BILL AMENDED:** Feb 17, 2005

**SUBJECT:** Safety belts.

**FIRST AUTHOR:** Sen. Nugent

**FIRST SPONSOR:**

**BILL STATUS:** 2<sup>nd</sup> Reading - 1<sup>st</sup> House

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill provides that evidence of the failure to comply with the laws concerning safety belt use may be admitted as evidence in a civil action to reduce damages for injury to a person, and may limit the liability of an insurer. It also provides that the defendant has the burden of establishing that use of a safety belt would have reduced damages.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** (Revised) In certain circumstances, this bill could reduce the liabilities of the state of Indiana in personal injury claims. This could happen in cases where the Office of the Attorney General can prove that the person filing a personal injury claim against the state due to a vehicular collision involving state-owned property would have been less seriously injured if the person had been complying with seat belt laws.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) This bill could reduce the costs of tort payments for local units of government and political subdivisions if the attorney representing a local unit of government or political subdivision as a defendant in a person injury lawsuit can prove that an injured person would have been less seriously injured if the person had been complying with seat belt laws. (See *Explanation of State Expenditures*.)

**Explanation of Local Revenues:**

**State Agencies Affected:** Office of the Attorney General

**Local Agencies Affected:** Local units of government and political subdivisions

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.